

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FRED FELEKI MARTINEZ,

Plaintiff,

v.

PETERSON,

Defendant.

No. 2:21-cv-01779-DAD-JDP (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DENYING
PLAINTIFF'S MOTIONS FOR LEAVE TO
AMEND THE COMPLAINT, AND
DENYING DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT

(Doc. Nos. 51, 55, 67, 68)

Plaintiff Fred Feleki Martinez is a state prisoner appearing *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 11, 2024, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's motions for leave to file an amended complaint (Doc. Nos. 55, 67) be denied and that defendant's motion for summary judgment (Doc. No. 51) be "denied without prejudice to refile at the amended close of discovery." (Doc. No. 68 at 3.) The pending findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.*) To date, no objections to the findings and recommendations have been filed, and the time in which to do so has passed.

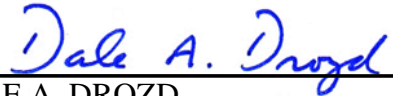
1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
2 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
3 findings and recommendations are supported by the record and by proper analysis.

4 Accordingly:

- 5 1. The findings and recommendations issued on March 11, 2024 (Doc. No. 68) are
6 adopted in full;
- 7 2. Plaintiff's motions for leave to file an amended complaint (Doc. Nos. 55, 67) are
8 denied; and
- 9 3. Defendant's motion for summary judgment (Doc. No. 51) is denied without
10 prejudice to its refiling after the close of discovery; and
- 11 4. This action is referred back to the assigned magistrate judge for further
12 proceedings.

13 IT IS SO ORDERED.

14 Dated: May 7, 2024

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16 DALE A. DROZD
17 UNITED STATES DISTRICT JUDGE
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